



COUNTY OF LOS ANGELES

JUDICIAL PROCEDURES COMMISSION

383 Hall of Administration / 500 West Temple Street / Los Angeles, California 90012 / (213) 974-1431

MEMBERS

Carol L. Rose
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Lee Kanon Alpert
Nelson L. Atkins
Bertrum M. CeDillos
William J. Galloway
Ann Jackson
Thomas J. Jeffers
Janice Kamenir-Reznik
Neal S. Millard
Sylvia Scott-Hayes
Robbi J. Work

MINUTES OF THE 649TH MEETING OF THE JUDICIAL PROCEDURES COMMISSION

The 649th meeting of the Los Angeles County Judicial Procedures Commission was held on March 18, 2004, in Room 864 at the Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California. A list of those in attendance follows:

MEMBERS PRESENT

Carol Rose, Chair
Clifton Albright
Ann Jackson
Thomas J. Jeffers
Sylvia Scott Hayes
Robbi J. Work

MEMBERS EXCUSED

Walter P. Coombs, Vice Chair
Lee Kanon Alpert
Nelson L. Atkins
Bertrum M. CeDillos
William J. Galloway
Janice Kamenir-Reznik
Neal S. Millard


EX-OFFICIO MEMBERS

Honorable Dennis Zine, Independent Cities Association
Larry Mason, Los Angeles County District Attorney's Office

CITY REPRESENTATIVES

Heather Aubry, L. A. City Attorney's Office
Denise Montgomery, L.A.P.D.
Michael Karsch, City of Los Angeles

COUNTY REPRESENTATIVES

 Derringer, District Attorney

Bruce Haar, Sheriff's Department
Princeton Kim, Bar Association
Anna Pembidjian, 5th District
Peggy Shuttleworth, Countywide Criminal Justice Coordination Committee
Ronald A. Yorizane, Public Defender

EXECUTIVE OFFICE OF THE BOARD OF SUPERVISORS

Dedie Ward
Nyla Jefferson

GUESTS

Sgt. Troy Lukkes, CHP

AN INFORMAL DISCUSSION

Prior to the meeting, Commission members discussed their participation in a tour at Clara Shortridge Foltz Criminal Justice Courthouse conducted on the "Anatomy of a Criminal Case" which offers an opportunity for a lay person to understand the criminal process and how it flows. The previously arranged tour tentatively set for March 19, 2004 was not accommodating for everyone. Therefore arrangements were made to hold the tour on a regular meeting date which could be on either April 15 or May 20, 2004 at 11:00 a.m. Peggy Shuttleworth, CCJCC, will schedule the one hour tour with Judge Westley, Supervising Judge and author of the paper the "Anatomy of a Criminal Case." She will inform the Chair and staff of the touring date.

CALL TO ORDER

Chair Rose called the 649th regular meeting of the Los Angeles County Judicial Procedures Commission (JPC) to order at 12:30 p.m. Chair Rose noted the lack of a quorum and proceeded with introductions of the Commissioners, Ex-Officio Members, Staff, and guests followed.

APPROVAL OF THE MINUTES OF FEBRUARY 19, 2004

Approval of the February 19, 2004 minutes was postponed until a quorum was present.

CHAIR'S REPORT

No report.

SUMMARY ON ANNUAL DRUG COURT REPORT AND ANNUAL PROPOSITION 36 REPORT

Peggy Shuttleworth, Executive Director of CCJCC, distributed copies of the report on the Substance Abuse and Crime Prevention Act of 2000, aka Proposition 36 Annual

Report 2002 -2003 and cited the Annual Report on Drug Court was at the printer. She reported that Drug Court is handles adults arrested for minor drug offences. There are 15 courts in Los Angeles County that provide a pre-guilty plea program that provides a treatment alternative to prosecution for non-violent felony drug offenders. Legal residents lose all potential for receiving public assistance and the right to vote. Most counties in California participate in the post-plea program and there is an effort to have all counties implement only the post-plea program.

Drug Court is a voluntary program that has existed for 14 years. Six county departments monitoring participants for up to 18 months. The recidivism rate for those people who have graduated is 25%. There are 11 Community Drug Courts, one Sentence Offender Drug Court and two Juvenile Drug Courts located in Sylmar and Eastlake.

Participants in Drug Court have been shown to be more severely addicted to drugs and the treatment programs are tailored more to the specific needs of the participants. Since 1994, the program has graduated 2423 people. The juvenile program has increased 38%. To justify the program, judges have been asked to submit an Indicated Sentence Form to denote the state prison term the accused would have received had he not opted for the Drug Court program. Administratively, the Drug Court Oversight Sub-Committee meets every other month to review statistics and discuss problems; and the Judges' Roundtable meets alternating months to discuss issues regarding Drug Court and Proposition 36.

Funding for the pre-plea program will officially expire Fiscal Year 2005-2006 but may occur sooner. It is not certain if the funds will be reallocated once the current funding is exhausted.

Ms. Shuttleworth reported that Proposition 36, became effective on July 1, 2001, amending existing drug sentencing laws to require that adult criminal defendants who are convicted of possession, use, transportation for personal use, or being under the influence of a controlled substance be placed in drug treatment as a condition of probation instead of incarceration. Participants in a post-guilty plea program, if the accused successfully completes the program with 18 months, can have their record expunged. The Proposition 36 Implementation Task Force executed the program on time. The Executive Steering Committee meets on an as needs basis, pending any administrative or processing problems. The Health Services' Alcohol and Drug Administration is the lead department for Proposition 36 and ensure payments are given to the treatment providers. Approximately 83% of the Proposition 36 proceeds go to treatment. Proposition 36 Treatment Programs throughout the State have begun to reduce services provided to participants as result of the limited funding allocated for treatment, particularly the cost of residential treatment. Three levels of care were adopted: first level, the least comprehensive outpatient service; second level, outpatient care with more frequent visits; and third level, is residential care for a maximum of six months.

The State allocates \$120 million for the post-plea program per year and the County's portion is \$30 million. This fiscal year eligibility increased by 14%. Assessment centers in the community increased by 32%. There was an 82% compliance increase rate with clients showing up for their assessment. Approximately 10,000 people participated (115% increase over last year). The number of graduates for last year was 1199 which was a 140% increase over the first year which had only 60 graduates. A recidivism rate will be processed this year to determine how the abbreviated program, Proposition 36, compares to the Drug Court Program.

Chair Rose thanked Ms. Shuttleworth for her presentation.

DISCUSSION OF EXCESSIVE OVERTIME FOR DEPUTIES AND OFFICERS

Sergeant Lukkus, California Highway Patrol, was asked to request assistance in obtaining attendance records from the courts. At present, CHP is unable to verify whether or not their officers appeared in court. The officers are subpoenaed to appear and a supervisor documents the attendance of the officers. Sgt. Lukkus was hoping the courts maintained a tracking record of officers that appeared in court regarding traffic related violations that can be sent to CHP's administrative office. Regarding traffic tickets, Ms. Shuttleworth will contact the courts to have a calendar forwarded to the CHP contact person. Attendance records of officers' court appearances in felony and misdemeanor cases are obtained from the prosecutor. A possible solution may be to designate an Area Commander in CHP as a contact person, then the prosecutor could call CHP when there is a "no show."

Chair Rose asked Heather Aubry, Los Angeles City Attorney's Office, to invite Ellen Sarmiento, Los Angeles City Attorney's Traffic Division to the next regular meeting to discuss their process for handling officers as it relates to excessive overtime.

Sergeant Haar, LASD, reported that with the assistance of the District Attorney's Office and the Los Angeles City Attorney, the LASD is able to minimize overtime utilizing a court liaison. The DA and City Attorney tells the liaison who is needed at a particular trial. In case of a plea out, instead of sending everyone who is subpoenaed in the case to court, the liaison contacts the officers who may have a small role in the case and places them on call. Only the investigating officer and the detective will then appear. Only the officers that work on the nightshift are placed "on call" and they are paid ½ of the overtime pay for a minimum of three hours. If an appearance in court is necessary for the officer that is on call, the officer will receive all the overtime pay. Sgt. Haar distributed the Court Appearance Overtime Hours and Amount Under Overtime Codes 301-316 For Calendar Year 2003 which stated that overtime allocations tallied \$3,025,015.17. Municipal Courts Preliminary Hearing allocation was the largest amount at \$1,424,214.23.

Chair Rose commended Sergeants Lukkus and Haar on their presentations.

COMMITTEE REPORTS

Report on L.A. County Bar Foundation Grant Request

Commissioner Jackson reported that the Airport Court needs approximately \$8,000 to complete a door remodeling project before the Child Waiting Room can be opened. The Jr. League of Los Angeles donated \$4,999 for this worthy project. Chair Rose contributed \$1 towards the JPC Donation Trust Fund to cap it off at \$5000. A formal funding request was sent to the Los Angeles County Bar Foundation in the amount of \$3000 in order to complete the project. The Bar Foundation will notify the Commission by June 30, 2004, if the request was approved or not. Additionally, Commissioner Jackson and Chair Rose accepted an offer from Steve Ipsen to obtain funds from the Association of Deputy District Attorneys. Chair Rose attended their Board meeting and they agreed to turn over their proceeds from the sale of merchandise, personalized postage notes and stationary, for their district attorneys to support the Child Care Waiting Rooms. The Sheriff's Union, ALADS, has agreed to donate the printing and paper. Chair Rose will approach the Public Defender's Office to have them consider similar merchandise for their department.

Child Custody Exchange Committee Update

Bea Derringer, District Attorney's Office, reported that the Carson and Temple Sheriff's stations will be participating in the Child Custody Exchange program. It will have a person on site that is gifted in mediation of emotionally explosive people. The Committee met on February 25, 2004 to discuss plans and finances for the new child custody exchange program that will have one trained professional and one volunteer to conduct and monitor the exchanges. There will be forms to document violation of the court orders and duplicate copies will be distributed to all parties involved. Statistics on domestic violence which are not readily available at this time are needed for information-gathering for potential grant proposals. Also discussed was having the judges ensure that those who participate in the exchange are low income because the service is free. The estimated cost to operate one exchange site for one year is \$20,000 including salary for 1 part-time employee. Approximately, 75-100 families will use the Sheriff's station each weekend and the Police station numbers are unknown. Ms. Shuttleworth offered to provide information from the family law judges on the number of exchanges that occur in the County.

The Committee is currently looking for funding sources. Chair Rose has approached the Board of Trustees for the Sheriff's Relief Foundation and has spoken to Raymond Peavy for assistance. It was suggested that the intern/volunteer have experience in family counseling or have worked at a domestic violence center. The next meeting was scheduled for March 25, 2004. Ex-Officio Member Zine suggested soliciting funds from Union representatives from all law enforcement agencies who collect dues.

PUBLIC COMMENT

None.

MATTERS NOT ON THE POSTED AGENDA

Chair Rose distributed flyers announcing the speaking engagement of Debra Yang before the Stanford Professional Women organization. Ms. Yang is the first Asian American woman to serve as a United States Attorney.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:34 p.m.